

AFFIDAVITS AND STATUTORY
DECLARATIONS 165

A jurat for an affirmation or declaration is the same, substituting "affirmed" or "declared" for the first word of the jurat.

The form of the jurat must be strictly adhered to. The absence of the date or the place of swearing or of the words "before me" vitiates the document.

Oaths, affirmations, and declarations, may be made before a commissioner of oaths or a justice of the peace. Commissioners for oaths are appointed from the ranks of solicitors and very many solicitors are qualified as commissioners to administer oaths.

It is not the practice of solicitors who are commissioners for oaths to swear their own clients to affidavits. It is the universal custom and etiquette to take the client to some other commissioner for oaths to be sworn. Apart from etiquette, it can be easily seen that this practice avoids all suspicion of collusion between the client and his legal adviser in the manufacture of evidence.

The ordinary form of oath is made by the deponent taking the New Testament in his right hand, raising the hand with the book above his head and saying: "I swear by Almighty God that this is my name and handwriting and that the contents of this my affidavit are true/" If there are two or more deponents they should be sworn

separately. There
is an alternative form of oath called
the Scotch
form in which the deponent holds up his
right hand
above his head without holding the
book. The
habit of kissing the book has been
almost entirely
discontinued. Jewish deponents are
sworn with
the Old Testament (the five books of the
Penta-
teuch) in place of the New Testament.
Followers
of other religions, such as Chinamen,
Moslems, etc.,